IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLAETE JURISDICTION

WRIT PETITION NO. 2676 OF 2007

Mammu Abdul Majeed. ... Petitioner.

V/s.

Union of India and others. ... Respondents.

Ashok Singh i/b. ACE Legal Consultants
for the petitioner.

Y.S.Bhate for the respondents.

CORAM : **DR.S.RADHAKRISHNAN and V.C.DAGA, JJ.**

DATED : **13th April 2007.**

P.C. :

. Heard learned counsel for the petitioner and learned counsel for the respondents.

2. In the above petition, the petitioner imported one car under Transfer of Residence Scheme. The car was seized under panchanama dated 29th March, 2006. The petitioner, finally, went to the Settlement Commission. The Settlement Commission vide order dated 18th January, 2007 directed the petitioner to pay customs duty of Rs.15,61,107/- and also a fine of Rs.3,00,000/-. On payment of these amounts, the petitioner is entitled to redeem the car. The petitioner approached respondent No.2 in pursuant to the said order for clearance of the car,

however, respondent No.2 imposed the condition of endorsement on the passport not to transfer or sell the subject vehicle for two years from the date of clearance. The learned counsel for the respondents submits that the petitioner is entitled to redeem the car, however, as per clause (3)(II) of Chapter 87 of the Exim Policy, the Customs authorities have to endorse "NO SALE" condition for two years on the passport/ registration documents. The said clause reads as under:

> "All the above categories shall be entitled to import only one vehicle except categories (e) and (f), which shall be entitled to import maximum of three vehicles. Persons in category (d) shall be entitled to import only specially designed vehicles suitable for use by handicapped. All such imports shall carry a "NO SALE" condition of two years which shall be endorsed by the Customs authorities on the passport/ registration documents at the time of import and by the Regional Transport Authorities when such vehicles are presented for registration in India. All such imports, except by the physically handicapped persons, shall not involve any foreign exchange remittance from India directly or indirectly. The DGFT may, however, permit relaxation of these conditions or imports by any other category not listed above in special circumstances."

3. The learned counsel for the petitioner could not establish that in case of normal import it is not necessary to comply with the above condition.

He submits that the petitioner is not willing to comply with the said condition. The present petitioner only contends that the respondents cannot put an endorsement on the passport that the petitioner should not sell the aforesaid car for two years. We do not find anything erroneous or illegal in the said condition. Even the said condition is not challenged by the present petitioner. The petition is devoid of any substance. It is, accordingly, dismissed in limine.

(V.C.DAGA, J.) **(DR.S.RADHAKRISHNAN, J.)**